IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 14194 of 1995

Between:

Gundala Savitramma, W/o.Subba Rao,
R/o.D.No.8-24-82 (Upstairs), Main Road,
Rajahmundry.

..... PETITIONER

AND

1 Union of India, rep. by its Secretary
Telecommunications, New Delhi.
2 The Telecom District, Manager,
Telecommunications, Rajahmundry.
3 Arbitrator and Chief Accounts Officer I/IFA,
General Manager, Telecom District, Vijayawada.
4 General Manager, Telecom,
East Godavari, Telecom District,
Rajahmundry - 533 150.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction declaring the orders of the 3rd respondent herein in ARB/RAJ-78158/21, Dt. at Vijayawada the 16-5-95 as illegal, arbitrary, null and void and for a consequential direction to the respondents not to collect amount of Rs.6,296/- as per bill Dt.1/2/94.

For the Petitioner: MR. M.V.SURESH, Advocate

For Respondents: MISS E.URMILA, (ADDL.STANDING COUNSEL FOR CENTRAL GOVERNMENT)

The Court made the following:

ORDER:

By this writ petition, the petitioner seeks to declare the Award of the third respondent-Arbitrator dated 16-5-1995, ordering no rebate in respect of the telephone bill dated 1-2-1994 for Rs.6,296/- issued for the telephone of the petitioner bearing No.78158, as illegal and arbitrary and consequently to direct the respondents not to collect the said bill amount, stating that the third respondent did not give her reasonable opportunity to substantiate her case in regard to excess billing and did not take into consideration the fact that the telephone bill never exceeded Rs.1,000/- at any time and the excess billing occurred due to the malpractices done by the departmental people. She also states that the fourth respondent issued notice dated 23-6-1995 asking her to pay the bill amount of Rs.6,296/- on or before 10-7-1995, lest the telephone would be disconnected. Hence, the writ petition.

While admitting the writ petition on 07-07-1995, this court in W.P.M.P. No.17346 of 1995 passed interim order directing the fourth respondent not to disconnect the telephone connection of the petitioner on condition of the petitioner depositing an amount of Rs.3,000/- out of the bill amount of Rs.6,296/- within a period of two weeks from that date.

When the matter came up today for hearing, the learned counsel for the petitioner submits that the petitioner has paid the amount of Rs.3,000/- as per the interim order of this Court, and now she intends to pay the balance bill amount of Rs.3,296/-, and seeks two weeks time to pay the same.

Having regard to the facts and circumstances of the case and considering the above submission of the learned counsel for the petitioner, the writ petition is disposed of

permitting the petitioner to pay the balance bill amount of Rs.3,296/- under the telephone bill dated 01-02-1994 in respect of her telephone bearing No.78158, within a period of two weeks from the date of receipt of a copy of this Order, in default, the respondents are at liberty to take necessary action in accordance with law for recovery of the same. No costs.

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N.V. RAMANA, J

Date: 25-10-2004

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To

1. The Secretary, Telecommunications, New Delhi

2. The Manager, Telecom District, Telecommunications, Rajahmundry

3. The Arbitrator & Chief Accounts Officer I/IFA, General Manager, Telecom District, Vijayawada.

4. The General Manager, Telecom, East Godavari, Telecom District, Rajahmundry.

5. Two CD copies.